



May 25, 1999

Ms. Judy Ponder
General Counsel
General Services Commission
P.O. Box 13047
Austin, Texas 78711-3047

OR99-1454

Dear Ms. Ponder:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124443.

The General Service Commission (the "GSC") received four requests for "bid information, including the technical data, relating to the purchase of electronic surveillance equipment." You have submitted to this office responsive information. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code excepts from required public disclosure

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

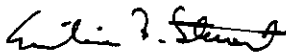
Gov't Code § 552.108(b). You assert, "a confidential procurement is necessary because disclosure will undermine the operational effectiveness of the equipment." The Department of Public Safety also states that disclosure of the fact that it is purchasing and will own this equipment would compromise its investigative efforts.

Records which otherwise qualify for protection from disclosure under section 552.108 do not necessarily lose that status while in the custody of an agency not directly involved in law enforcement. Open Record Decision 272 (1981).

Descriptions of specific electronic surveillance equipment are excepted by section 552.108(b). Open Records Decision No. 143 (1976). The purpose of the exception is protect the investigative techniques and procedures used in law enforcement. *Id.* at 2. We have marked the information that you may withhold. You must release the remaining information because you have not shown that disclosing it will hinder law enforcement efforts.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 124443

Encl: Submitted documents

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